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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,026	01/11/2002	Michael H. Cohen	3932P006XX	6537

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/046,026

Applicant(s)

COHEN ET AL.

Examiner

Michael N. Opsasnick

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8,13,14,17-39,44,45,48-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Ladd et al (6493671).

As per claims 1,29-31,60, Ladd et al (6493671) teaches providing user information into a speech enabled system (abstract, col. 15 lines 30-45)), with applications leading to a network (Fig. 3 & 4). Ladd et al (6493671) also teaches a method of facilitating interaction between a human user and a processing system, the method comprising (as voice recognition interactive computer system (col. 11 lines 10-36): “receiving.....processing system” as receiving input speech an information (col. 11 lines 30-33); “using the information.....processing system” as using the recognized speech to determine which URL, IP, or page request to go to (col. 11 lines 30-35)); Ladd et al (6493671) also teaches “using the information to optimize.....processing system” as using an interpreter, parser, to interpret the voiced request (col. 11 line 35 – col. 15 lines

15); Ladd et al (6493671) teaches reducing the amount of speech input to the browser (col. 15 line 61 – col. 6 line 9). Furthermore, Ladd et al (6493671) teaches a dialog between the user and the speech enabled site wherein the site responds to the user's speech (col. 16 lines 1-48) and teaching a second dialog to improve upon the first dialog (col. 16 lines 1-19; col. 17 lines 5-29; col. 19-26). Ladd et al (6493671) further teaches customizing the application according to the dialog (col. 17 lines 11-32).

As per claims 2-7,13,19,32-38,44, and 50, Ladd et al (6493671) teaches characteristics of a person based on type device used, gender, type of language, accents, and personalities (col. 4 lines 19-35).

As per claims 8,14,39,45, Ladd et al (6493671) teaches the characteristic being an acoustic characteristic (as audio/acoustic commands – col. 4 lines 38-40).

As per claims 17,48, Ladd et al (6493671) teaches checking the amount of reverberance through an echo detector (col. 98 lines 29-34).

As per claims 18,49, Ladd et al (6493671) teaches notification to the user of an error (col. 15 line 61 – col. 16 line 9).

As per claims 20-22,51-53, Ladd et al (6493671) teaches customization of the dialog wherein a call is routed based upon the characteristic, an error recovery dialog, and

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content delivery based upon the characteristic (as accessing user defined content/grammars based on user acoustic input, and selecting the proper call routing, esp. during an error -- col. 15 line 30 – col. 16 line 9).

As per claims 23,54, Ladd et al (6493671) teaches service advertisements available to the user (col. 4 line 62 – col. 5 line 5).

As per claims 24,55, Ladd et al (6493671) teaches customized call flow (Fig. 5a)

As per claims 25,26,56,57, Ladd et al (6493671) teaches personalized prompts for a recognized user (col. 6 lines 36-50).

As per claims 27,58, Ladd et al (6493671) teaches customization of grammars (col. 15 lines 35-46).

As per claims 28,59, Ladd et al (6493671) teaches a personal customization (col. 4 lines 5-18).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-12,15,16,40-43,46,47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd et al (6493671) in view of Hirayama (5854999).

As per claims 9-12,15,16, Ladd et al (6493671) is silent on handling environmental/background noise issues that may affect the VRU system, however, Hirayama (5854999) teaches a speech recognition method to compensate for environmental fluctuations (Hirayama (5854999), col. 8 lines 20-47). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition systems at the time the invention was made to incorporate the speech processing system of Hirayama (5854999) into the VRU of Ladd et al (6493671) because it would advantageously compensate for environmental fluctuations, which would reduce the turnaround time for a correct recognition (Hirayama (5854999), col. 5 lines 20-25).

#### ***Response to Arguments***

5. Applicant's arguments filed 12/21/2005 have been fully considered but they are not persuasive. As per applicant's arguments presented in the top half of page 2 of the response, examiner respectfully disagrees and notes that the only common language between the '173 office action and the office action for the current application is the addressing of the independent claims. The presentation of the Ladd reference, as noted in addressing claims 1,29-31, and 60,

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teaches the detection of the input speech (col. 11 lines 30-35 and col. 11 line 35 – col. 15 line 15). The examiner used this notation to Ladd because of the similar scope and content of the claim language also present in the '173 application. Further claim language addressing the customization features, as claimed in claims 20-22, 51-53 have been addressed by the examiner in the office action dated 7/19/2005 with recitations to the Ladd reference; wherein such recitations were not previously presented (in this application, or any other related applications). Therefore, the examiner respectfully disagrees with applicant's allegation that "the Examiner has not has made a bona fide attempt to read and understand what is claimed in the present application", as evidenced by examiner's application of the Ladd reference to the customization feature (for dependent claims 20-22,51-53), presented in the office action dated 7/19/2005 and this particular office action. (The fact that old and new recitations to the Ladd reference presented in the office action dated 7/19/2005 shows that the examiner read and interpreted the claim scope of the current application, and made the determination that the old recitations of Ladd still applied to the independent claims, and that new recitations of the Ladd reference were needed for the dependent claims,e.g., claims 20-22, and 51-53).

As per applicant's arguments on page 3 against the Ladd reference, examiner argues that Ladd teaches the user performing customization when the user defined content/grammars are accessed and used for call routing (col. 15 line 30 – col. 16 line 9; also as noted in the office action rejection above).

As per applicant's arguments on the bottom of page 3 of the response, examiner respectfully disagrees and points to the arguments presented above that different parts of Ladd were presented to address the customization issue.

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***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno  
3/2/06

  
**RICHEMOND DORVIL**  
**SUPERVISORY PATENT EXAMINER**